

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Rudy Villanueva, # 79959-004,
aka Bird Road Rudy,
aka King Rudy,

Petitioner,

vs.

Mildred River, Warden, FCI Estill; Chaplain Neal, Supervisor
Religious Dept.; F.C.I. Estill; Warden, Miami F.C.I.,

Respondents.

) C/A No. 5:12-564-RBH-KDW

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Order

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This is a civil action filed by a federal prisoner. Therefore, in the event that a limitations issue arises, Plaintiff shall have the benefit of the holding in *Houston v. Lack*, 487 U.S. 266 (1988) (prisoner's pleading was filed at the moment of delivery to prison authorities for forwarding to district court). Under Local Civil Rule 73.02(B)(2) of the United States District Court for the District of South Carolina, pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge. By order dated March 9, 2012, Petitioner was given a specific time frame in which to bring this case into proper form. Petitioner has refused to comply with the court's order, and this case is now subject to summary dismissal.

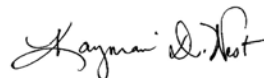
PAYMENT OF THE FILING FEE:

Petitioner has paid the full filing fee (Receipt No. SCX200009314).

TO THE CLERK OF COURT:

The Clerk of Court is directed to add to the docket the Warden of Miami Federal Correctional Institution as a respondent because a prisoner's custodian is the proper respondent in a habeas corpus action. *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004). The Clerk of Court shall not serve the § 2241 Petition upon Respondent because the Petition is subject to dismissal.

IT IS SO ORDERED.



April 12, 2012
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge